

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 8, 13, 14, 16 and 22-28 are currently pending in this application. Claim 22 is amended. New claims 29-42 are added. Claims 1-21 and 26-28 are canceled without prejudice.

Claim Rejections - 35 USC § 103

Claims 8, 13, 22-23 and 26-27 are rejected under 35 U.S.C. 103(a) as obvious over US Patent No. 6,393,286 to Svensson (hereinafter “Svensson”) in view of U.S. Patent No. US 7,242,934 to Kubosawa (hereinafter “Kubosawa”). The Applicants respectfully traverse this rejection.

Claim 22 is directed to a method for use in a wireless transmit/receive unit (WTRU), and recites in part (emphasis added):

the WTRU communicating data via the first wireless communication system using a first bearer, wherein the first bearer has Quality of Service (QoS) requirements defined according to the first wireless communication system;

translating, in the WTRU, the QoS requirements defined according to the first wireless communication system to QoS requirements defined according to a second wireless communication system of a second type;

the WTRU performing a handover to the second wireless communication system; and

in response to the handover,

the WTRU communicating data via the second wireless communication system using a second bearer, wherein the second bearer has the translated QoS requirements . . .

Svensson and Kubosawa do not suggest the features of claim 22 highlighted above.

Page 4 of the current Office Action asserts that Svensson teaches translating . . . the QoS requirements as recited in claim 22. Svensson, however, does not teach translating QoS requirements, but teaches that a mobile station connects to a Universal Mobile Telecommunications System (UMTS) cell and performs quality of service (QoS) parameter measurements in the cell and in neighboring UMTS cells. *Svensson, column 3, lines 22-39*. The mobile station translates the QoS parameter measurements to corresponding Global System for Mobile Communication (GSM) parameters, and transmits the translated parameter measurements to a GSM Base Station Controller (BSC). *Svensson, column 3 line 67-column 4 line 17*. The GSM BSC may then use the translated parameter measurements in making handover decisions. *Svensson, column 4 lines 23-27*.

While Svensson relates to the translation of measurements parameters, Svensson does ***not*** teach the translation of QoS requirements. Further, Svensson is directed to translating handover parameter measurements that are used for deciding whether to proceed with a handover. After the handover, Svensson does not show a need for the use of the translated measurements parameters, as they are no longer required. In contrast, claim 22 recites in response to the handover, communicating data . . . using a second bearer, wherein the second bearer has the

translated QoS requirements (emphasis added). Additionally, Svensson does not teach or relate to the use of bearers as recited in claim 22. Therefore, Svensson does not suggest translating [QoS requirements] or communicating data . . . using a second bearer, wherein the second bearer has the translated QoS requirements as recited in claim 22.

Kubosawa also does not teach these features of claim 22. Kubosawa teaches a mobile terminal that performs handover between a Code Division Multiple Access (CMDA) communication system and another system such as a Global System for Mobile Communications (GSM) system. A controller in the mobile terminal measures communication quality between the mobile terminal and the two systems. *Kubosawa, column 4, lines 30-50*. If communication quality in the CDMA system falls beneath a threshold, the controller determines whether handover to the other system is possible. If handover is possible, the controller initiates the handover; if handover is not possible, the controller alerts the user of the mobile terminal. *Kubosawa, column 4, lines 58-68*.

Page 4 of the current Office Action asserts that Kubosawa teaches “establish[ing] a session” and “handing over from one system to another system.” Kubosawa teaches that communication quality of the CDMA system is measured to determine whether to handover to the GSM system; Kubosawa does not teach, however, that this process involves the translation of QoS requirements as recited

in claim 22. Further, Kubosawa does not teach or relate to the use of bearers as recited in claim 22. For these reasons, Kubosawa does not suggest translating [QoS requirements] or communicating data . . . using a second bearer, wherein the second bearer has the translated QoS requirements as recited in claim 22.

For the reasons set forth above, Svensson and Kubosawa, taken alone or in combination, do not teach translating [QoS requirements] or communicating data via the second wireless communication system using a second bearer, wherein the second bearer has the translated QoS requirements as recited in claim 22. For at least this reason, claim 22 is non-obvious over Svensson and Kubosawa.

Claim 28 stands rejected as obvious over Svensson in view of Kubosawa, and further in view of US Patent No. 6,608,832 to Forslow (hereinafter "Forslow"). Claims 14, 16, and 24-25 stand rejected as obvious over the combination of Svensson, Kubosawa and U.S Patent No. 7,149,524 to Reynolds (hereinafter "Reynolds"). Claims 14, 16, and 28 are canceled and so their rejection is moot. Reynolds does not teach the features of claim 22 described above as missing from Svensson and Kubosawa, and claim 22 is therefore non-obvious over the combination of Svensson, Kubosawa, and Reynolds. Claims 24-25 are non-obvious over this combination at least by virtue of their dependency upon claim 22.

For the reasons set forth above, withdrawal of the 35 U.S.C. § 103 rejection of claims 8, 13-14, 16, and 22-28 is respectfully requested.

New Claims 29-42

New independent claims 29 and 36, though not identical to claim 22, recite similar elements as claim 22. Claims 29 and 36 are non-obvious over Svensson, Kubosawa, Reynolds, and Forslow for similar reasons to those set forth above regarding claim 29. Claims 20-35 and 37-42 are non-obvious over these references at least by virtue of their respective dependencies upon claims 29 or 36.

Applicant: Hunkeler et al.
Application No.: 10/679,804

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing Amendment and remarks, the present application is in condition for allowance, and a notice to that effect is respectfully requested.

Respectfully submitted,

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